

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; LOISTE?  
NEW ENGLAND STATE-AREA  
CONFERENCE OF THE NAACP; REV.  
TALBERT W. SWAN, II; NORMAN W.  
OLIVER, DARLENE ANDERSON,  
GUMERSINDO GOMEZ; FRANK  
BUNTIN; RAFAEL RODRIQUEZ; and  
DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and  
SPRINGFIELD ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

**TRIAL AFFIDAVIT OF REV. TALBERT W. SWAN**

I, Rev. Talbert W. Swan, hereby certify as follows:

1. I am the Pastor of the Solid Church of God and Christ in Springfield, MA where I have served for the past ten years. I am also the Assistant Director of Northern Educational Services, a non-profit organization in Springfield. I Chair the Springfield Christian Leadership Council and have been a long-time community activist and have served on the NAACP Executive Committee. I am African American and have lived in Springfield for forty years. Because of my positions in the African American community in Springfield, and because of my years living in the City, I am familiar with issues facing the City's minority communities. I frequently discuss such issues with members of those communities and with public officials. I also follow such issues in the press.
2. It is very difficult for candidates of color to raise enough money to run a viable citywide campaign. Business and other sources of money are reluctant to contribute to campaigns that they think won't win. It is very difficult for candidates of color to get endorsements and positive news coverage from the Springfield newspaper. Springfield is a one newspaper town, and the newspaper can make or break a candidate. Rarely does the newspaper endorse candidates of

color, and never first time candidates of color. The newspaper usually endorses only incumbents, and the incumbents are generally white.

3. It is very difficult for African American and Latino candidates to get white people to support and vote for them. It hasn't been possible to win an at-large election for City Council or School Committee in Springfield without getting support from the white community. You could get all the minority votes and still not win the election unless you get a significant number of white votes.
4. Because the at-large system makes it so difficult to elect candidates of color, I have at times recommended that people "bullet vote" and just vote for the African American candidate. I believe that strategically this gives the African American community a better opportunity to elect candidates of their choice.
5. I believe the at-large election system has made it harder for the African American and Latino communities to work together. Because it is so difficult for any candidates of color to get elected under the at large election system, the African American and Latino communities have been focused on electing their own candidates, and have less incentive to work together.
6. In a district system where a large number of both African Americans and Latinos are concentrated in particular districts, I believe the groups would have more incentive to work together. On a district level candidates run against each other, and this will help to create coalitions between African Americans and Latinos where the groups come together to elect a minority candidate.
7. There has been cohesion among Latinos and African Americans in the Mayor's race, where both communities heavily supported Linda Melconian. In this one-to-one race Latinos and African Americans came together to support the same candidate. This did not happen in the City Council election because people did not feel they could have the same impact on a nine seat at-large race.
8. African Americans and Latinos do have similar interests and have come together on specific issues. They came together on the issue of choosing a new School Superintendent in 1990, holding meetings to discuss how to have input in the selection process and get a seat at the table. Blacks and Latinos have similar concerns and want the same things around issues involving crime, unemployment, health care and education. If there were district elections for City Counsel and School Committee, it would bring the African American and Latino communities together. Within the bounds of a particular district, the groups' common interests and similar perspectives on issues would be even more evident than they are when viewed from a city-wide perspective, and organizing the communities around such issues would be easier.
9. It should be noted that white voters do not always support the same candidates, but they have a much greater opportunity to elect candidates of their choice.

African American and Latino voters should not be held to a higher standard of cohesion than whites in order to have an equal opportunity to elect candidates of their choice.

10. White voters generally vote as a bloc to defeat minority candidates. For example, the only precinct Rep. Ben Swan loses consistently is one in Ward 7, which has the highest number of white voters.
11. Many African Americans in Springfield, including my father are from states in the South like Mississippi where there was no opportunity to vote and participate in the electoral system. The African American community does not have the same history of voting as the white community. Only two generations of African Americans have been eligible to vote, whereas whites have been voting and participating in the electoral process for four or five generations. I have seen that this lack of voting history makes it difficult to motivate African Americans to vote, particularly when they feel like they do not have a real choice. They do not feel that the majority of white candidates represent their interests and concerns or will do anything for them.
12. For years, I have been involved in voter registration efforts and have encountered African Americans and Latinos who ask me why they should bother voting because the same people get into office and they never do anything for them.
13. African Americans and Latinos are often in competition for the same jobs and resources and votes. The system forces these communities to compete over the crumbs falling from the table, while the white people maintain most positions of power and influence in the city. The history of discrimination in the city has created this competition between the Latino and African American communities.
14. The majority of white elected officials have been unresponsive to the needs and concerns of the minority community. This is particularly true on the issues of ward representation, needle exchange and police brutality, but these are not the only issues.
15. For example, in 1997 the City Council established a sub-committee on Civil Rights and Race Relations. I attended the first meeting, and no City Councilors showed up. Yet when the white City Councilors came to a candidates' forum in the African American community, they boasted about the Civil Rights and Race Relations sub-committee. In fact no one was ever appointed to head the sub-committee, and the sub-committee never held meetings.

In 1996 the Mayor enacted an Executive Order requiring that 25% of the contracts with and services to the City of Springfield be with minority and women-owned businesses. There was supposed to be monthly reporting to determine if this goal

was being met. This Order has never been enforced, and the City has not met its goals regarding contracting with minority vendors. The city has continued to give contracts to white owned companies that do not comply with the order. Minority owned business never benefited, even on major public projects like the Federal Courthouse, and the Basketball Hall of Fame.

17. Funding from Springfield's Health and Human Services Department and from the department of Community Development goes disproportionately to white entities. There are clear disparities in funding for minority-based agencies.
18. The African American community sought to have the Mayor appoint a person of color as Director of the Massachusetts Career Development Institute (MCDI) a major agency serving the Black community. Instead, Mayor Albano appointed the former white police chief, who had no experience with the minority community and who later was indicted.
19. There is a history of employment discrimination in the City of Springfield, particularly within the police and fire departments and within the school department. Recently it was revealed that Black school principals were being paid less than comparable white principals. There has been very little promotion of African Americans throughout the city, and there are very few supervisory police officers and firefighters.
20. The City does not have a good record of employing people of color, especially in upper level management positions. I am aware of only two people of color in management positions in the City.
21. New development in Springfield is focused on the downtown areas and the entertainment district and not on the communities of color. Western New England College gives directions in its brochure that deliberately avoid Springfield's neighborhoods. The Basketball Hall of Fame, originally located in the heart of the African American community at Springfield College, was moved into the downtown area, with a special exit off the highway so as to avoid the neighborhoods of color.
22. There is a history of redlining in Springfield and a history of mortgage lending discrimination by banks resulting in lower homeownership rates for African Americans and Latinos. When African Americans do buy homes, they are most often in African American neighborhoods with lower home values. This impacts the ability of people of color to accumulate wealth, which would provide them greater opportunity to run for citywide office.
23. The city has neglected city owned buildings in the black and Latino communities, permitting them to fall into disrepair. This is true of both the Alexander V. Mapp building in Mason Square, formerly used by the Urban League, and the South End Community Center in Ward 1, used by the Latino community. The Latino

community has been pushing to have the community center renovated, yet white members of the City Council have sought to close it down completely saying it is a health hazard. City facilities in white areas, such as the Nathan Bill Community Center in Sixteen Acres, are in much better condition.

24. Public housing developments in white neighborhoods are also in much better condition than the public housing in communities of color. For instance, the Allen Park Senior housing development in predominantly white Forest Park is in much better condition than other public housing.
25. The Assistant to the Executive Director of the Control Board has wanted to tear down blighted properties in the section of Ward 1 known as Hollywood, which is primarily Latino. These properties are mostly owned by the city, and the problems have been created by the city saturating this neighborhood with low income and subsidized housing, and allowing the properties to deteriorate and fall into disrepair. The city is now attempting to displace the low income Latino people who live there so as to create a more upscale downtown area.
27. There is also discrimination in the allocation of resources for the schools in Springfield. When the City obtained 90% reimbursement for school construction and renovation, the money went primarily to the white schools. For instance, the Homer School in Mason Square in an African American neighborhood was in deplorable condition. Sewage was backing up into the cafeteria; windows were broken and couldn't be opened; part of the building was freezing and part was a sauna – yet instead of using state money to repair this school, the City allocated the money to renovate the Frederick Harris School in the white neighborhood of E. Forest Part, in Ward 7 where six City Councilors lived.
28. When the City did build a new school in Mason Square, it cut corners and did shoddy work, resulting in very small windows that couldn't open and failure to install a planned air conditioning system. The school was uninhabitable and students had to be moved out. The school is in limited use. I do not believe the City would permit this to happen to a school in a white neighborhood.
29. In my observation, parents of color are generally opposed to the new school boundary plan, which will provide for more neighborhood schools. Many parents fear that the schools in the white parts of Springfield will get more resources, the best teachers, and better equipment and supplies.
30. People in both the Latino and African American communities are disaffected with the schools. This contributes to low voter turnout because people feel voting doesn't make a difference in the quality of the schools in Springfield.
31. There is a long history of police brutality by the Springfield Police Department against African Americans. I am a complainant in a complaint filed at the Massachusetts Commission Against Discrimination by the Pastors' Council of

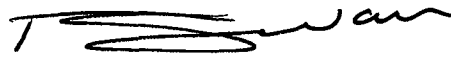
Greater Springfield alleging that the police department has engaged in a continuous pattern and practice of physical abuse and disparate treatment towards individuals based on their race and color.

32. Crime in the minority communities is ignored whereas crime in the downtown areas it is of grave concern to the city. When, as happens often, there are gunshots in the African American community we hear nothing from the Mayor. When there was a shooting in the quadrangle area downtown, the Mayor held a press conference. When a Latino storeowner was murdered there was no mention of it by the Mayor. When a white storeowner was murdered downtown, the Mayor beefed up police presence and authorized the use of unlimited overtime.
33. In 1996 we held a church service commemorating the bombings of the black churches in the South. We were sending people to help re-build one of the churches. During the service I received a voice message on the Church answering machine in a disguised black voice mocking the church bombings and saying, "I'm just a dumb nigger like you are". The call was traced, and it turned out to be a white Springfield Police Officer who made the call from the public safety office of Western New England College.
34. I have received numerous racially harassing and threatening calls. When I was pressing charges against the white police officer who made the harassing call to the church, I received a call from someone who said that if I didn't drop the charges the "White Aryan Nation will blow up you and your church and start all sorts of s.... in Springfield. So do what you are told and drop the f.....g charges".
35. Springfield is supposed to have a Human Relations Committee. I asked the current Mayor to appoint me to the committee, but was never appointed. In fact the Human Relations Committee has never met and is basically defunct, another indication of the City's lack of concern about race relations and discrimination.
36. Having district elections would not affect the neighborhoods of Springfield. Currently precinct lines already divide neighborhoods. We already have wards that encompass several neighborhoods and this has not created any problems. For instance, Rep. Ben Swan's district encompasses parts of several neighborhoods like Pine Point, East Forest Park and McKnight.
37. For an African American or Latino to win an at large election in Springfield they need to have great name recognition. But even candidates who were well known and well respected in the community, like Charles Rucks, Mo Jones and Frank Buntin, have lost. Because so many minority candidates have lost, it discourages other potential candidates from running. It also discourages voters from coming out to vote.



38. In 2005 many people of color did not come out to vote because of the widespread corruption that had taken place in Springfield. The head of the Housing Authority was indicted for bilking money that was supposed to go to improving the housing for the tenants and a loan fund meant for disadvantaged businesses was diverted. The head of the Massachusetts Career Development Institute (MCDI), the job-training program that primarily serves African American and Latino residents of Springfield, was indicted for improprieties. The community of color felt that money earmarked for low-income people and programs was being used for the personal gain of the white people in charge of those programs. In addition, the lawsuit and the sense that the at large system may soon be changed may have kept certain people from running in the 2005 election.
39. The former head of the Housing Authority allowed his son who was a State Representative, to use the housing authority offices to register people to vote. This type of activity, along with the corruption charges, discouraged many public housing tenants in particular from voting.

Signed under penalties of perjury, this 26<sup>th</sup> day of January, 2007.

A handwritten signature in black ink, appearing to read "T. Swan", written over a horizontal line.

Rev. Talbert Swan, II



**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser